

**REMARKS*****Remaining Claims***

Claims 1, 21, and 33 have been amended to more clearly point out and distinctly claim the invention. These amendments do not contain new matter and are fully supported by the specification. For example, the newly added phrase in those claims can be found on page 6, 2<sup>nd</sup> full paragraph (lines 15-18). After these amendments are entered, fifty nine (59) Claims (claims 1-59) are pending..

***Claims Rejections under 35 U.S.C §103***

Claims 1-3, 14-17, 19, 20, 21-30, 32, 33-36, 42-46, 56-59 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roffman (5,050,981). The rejection over these claims is respectfully traversed for the following reasons.

Applicants respectfully submit that a prima facie case of obviousness has **not** been established.

First, when the cited reference (Roffman) is considered in its entirety, Roffman specifically teaches away from the present invention. Roffman teaches and discloses how to generate a lens providing a sharp image focus while **minimizing** image ***aberrations*** (Abstract, lines 2-4), as evidenced by the statement on col. 2, lines 65-68,

“An additional object of the present invention is to provide a method that produces a lens that optimizes the focusing of an image on the retina of the eye and that **minimizes image aberrations and blurring.**” [Emphasis added]

According to Roffman, well known optical aberrations including spherical aberration, coma, distortion, and astigmatism are undesirable and “cause a certain amount of blurring.” (col. 1, lines 41-42). In contrast, Applicants’ invention provides a lens which has a vertically-oriented coma-like wavefront aberration, an optical aberration, which is intentionally to be incorporated in the optics of a lens.

Second, the cited reference does not meet all the limitations of the claimed invention. Roffman does not disclose nor suggest anything about a lens having a vertically-oriented coma-like wavefront aberrations which is, or is an equivalent of, a wavefront aberration described by any one of third order, fifth order, seventh order Zernike coma-like terms, and combinations thereof in proposed OSA Standard (Optical Society of America) Zernike Polynomials.

Third, there is no suggestion or motivation to modify the cited reference to arrive at the present invention as currently claimed. It is well established that the motivation to modify the prior art must flow from some teachings in the art that suggest the desirability or incentive to make the modification needed to arrive at the claimed invention (See MPEP §2143). Roffman does not

appreciate the present invention, since it fails to disclose or suggest how to correct presbyopia through use of a vertically-oriented coma-like wavefront aberration introduced in a lens.

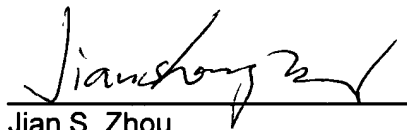
In sum, Applicants respectfully submit that since there is not the requisite motivation supporting the modification of the cited reference, since the cited reference fails to teach or suggest all the claim limitations as currently claimed, and since the cited reference teaches away from the present invention as currently claimed, the Applicant's invention is not obvious. As such, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection over claims 1-3, 14-17, 19, 20, 21-30, 32, 33-36, 42-46, 56-59.

### **CONCLUSION**

In view of the foregoing and in conclusion, Applicant submits that the rejections set-forth in the Office Action have been overcome, and that all pending claims are now in conditions for allowance.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,

  
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